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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION
12

13 IN RE: HIGH-TECH EMPLOYEE
14 ANTITRUST LITIGATION

Master Docket No. 11-CV-2509-LHK

15 THIS DOCUMENT RELATES TO:
16 ALL ACTIONS
17
18
19

**EXHIBIT 23 TO DECLARATION OF
LIN W. KAHN IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFFS' SUPPLEMENTAL
MOTION FOR CLASS
CERTIFICATION**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE)
ANTITRUST LITIGATION)
) No. 11-CV-2509-LHK
THIS DOCUMENT RELATES TO:)
ALL ACTIONS.)

VIDEO DEPOSITION OF ALVARO GONZALO ALVAREZ
HIGHLY CONFIDENTIAL
March 5, 2013

Reported by: Anne Torreano, CSR No. 10520

1 my recruiter Felicia Albright and one of the hiring
2 managers, Rob York, and myself.

3 Q. Did you receive all these e-mails?

4 A. Yes.

04:54:32 5 Q. I just want to direct your attention to the
6 e-mail toward the bottom of page 2, where it says, "On
7 December 17th, 2010 at 12:37, Rob York wrote."

8 A. Mm-hmm, yes, I see it.

9 Q. He says, "I am not willing to go so high of a
04:55:11 10 salary when compared to his peer group."

11 So in setting salaries that would be
12 components of offers for candidates Apple was
13 interested in hiring, was what a candidate's peer group
14 was receiving an important consideration?

04:55:47 15 A. That's what we call internal equity.

16 Q. So as you understand internal equity, was
17 Mr. York's comment consistent with that principle?

18 MR. TUBACH: Lacks foundation.

19 THE WITNESS: Can you repeat the question.

04:56:08 20 BY MR. DALLAL:

21 Q. Well, if you just look at what Mr. York says,
22 which is, "I am not willing to go so high of a salary
23 compared to his peer group," is that a statement that
24 you regard as being consistent with the principle of
04:56:19 25 internal equity?

1 A. Being consistent? No.

2 Q. Why not?

3 A. I think it's a one-off remark from Rob York,
4 saying he's just looking at -- saying we should

04:56:31 5 reconsider our offer recommendations based on internal
6 equity.

7 Q. So is it fair to say that it's not
8 inconsistent with the principle of internal equity?

9 A. Can you rephrase the question?

04:56:45 10 Q. Do you regard Mr. York's statement as somehow
11 inconsistent with the principle of internal equity?

12 A. Yes.

13 Q. How so?

14 A. Not all -- some of our offer -- most of our
04:57:09 15 recommendations that come from recruiting are compared
16 internal equity. We always compare that. It's the
17 first thing we do. And we compare other areas as
18 well. And so by Rob saying, "I'm not willing to go so
19 high of a salary compared to his peer group," we
04:57:26 20 already considered internal equity.

21 So that comment's typically not referred to us
22 on a consistent base or a common base.

23 Q. I have to admit I don't really understand your
24 answer.

04:57:49 25 A. We don't get that -- we don't receive those

1 kind of comments from a manager on a consistent base.

2 Q. And that's fair.

3 I guess my question is, if he's talking about
4 a salary that's high when compared to the candidate's
04:58:19 5 peer group, is the desire not to pay a candidate a
6 salary higher than what his peer group is receiving
7 consistent with the idea of internal equity?

8 MR. TUBACH: Vague and ambiguous.

9 THE WITNESS: I'm not sure if I'm
04:58:46 10 understanding your -- your exact question. Consistent
11 in terms of ...

12 BY MR. DALLAL:

13 Q. Well, provided that Mr. York is recommending
14 that Apple not pay a salary higher than what the
04:59:24 15 candidate's peer group is receiving, does that
16 recommendation violate the idea of internal equity?

17 A. No.

18 Q. So that recommendation is broadly in line with
19 the principle of internal equity?

04:59:49 20 MR. TUBACH: Vague and ambiguous, calls for
21 speculation.

22 THE WITNESS: I would not say it's in line.
23 Every situation's very different. Every manager has
24 different methods that they apply in terms of when they
04:59:59 25 bring on people to their groups.

REPORTER'S CERTIFICATE

I, Anne Torreano, Certified Shorthand Reporter licensed in the State of California, License No. 10520, hereby certify that the deponent was by me first duly sworn, and the foregoing testimony was reported by me and was thereafter transcribed with computer-aided transcription; that the foregoing is a full, complete, and true record of said proceedings.

I further certify that I am not of counsel or attorney for either or any of the parties in the foregoing proceeding and caption named or in any way interested in the outcome of the cause in said caption.

The dismantling, unsealing, or unbinding of the original transcript will render the reporter's certificates null and void.

In witness whereof, I have subscribed my name this 15th day of March, 2013.

☐ Reading and Signing was requested.

☐ Reading and Signing was waived.

☒ Reading and Signing was not requested.

ANNE M. TORREANO, CSR No. 10520

In Re: High-Tech Employee Antitrust Litigation

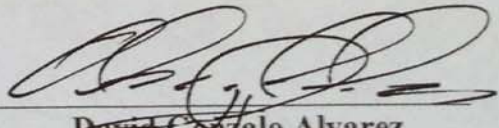
United States District Court, Northern District of California – San Jose Division
Case No. 11-CV-2509-LHK

Deposition Errata Sheet

Alvaro (David) Gonzalo Alvarez
March 5, 2013

Deposition Page #	Line #	Currently Reads	Change To Read As	Reason for Change
53	11-12	That's one, but mostly they're dealing with referrals.	That's one thing they do, but mostly they're dealing with referrals.	Clarify the record
87	7-8	I think Adobe had a relationship with Adobe [sic], I believe.	I think Apple had a relationship with Adobe, I believe.	Clarify the record
104	20-22	I know there was sensitivity around Adobe, but I don't recall anything about – regarding refraining, no.	I know there was sensitivity around Adobe, but I don't recall anything about refraining from reaching out, no.	Clarify the record
125	19	It's an email to me – to Kenta,	It's an email from me to Kenta,	Clarify the record
131	21-22	“And so we can talk to him” is in parentheses.	And “so we can talk to him” is in parentheses.	Transcription error, changed to accurately reflect exhibit text
133	1	candidate's no longer at Apple [sic]	candidate's no longer at Intel	Clarify the record
171	5-7	We were – we were – we were signed to go and target – I believe this is Austin, if I'm not mistaken, companies in the Austin area ...	We were assigned to go and target – I believe this is Austin, if I'm not mistaken – companies in the Austin area ...	Clarify the record
199	8	starts with 231APPLE041634 [sic]	starts with 231APPLE041683	Clarify the record

Dated: April 30, 2013


David Gonzalo Alvarez

Name of case: *In re: High-Tech Employee Antitrust Litigation*
Case No. 11-CV-2509-LHK (N.D. Cal.)

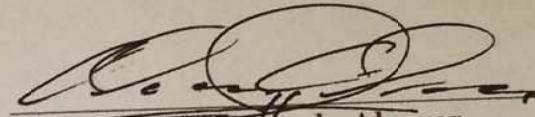
Date of deposition: March 5, 2013

Name of witness: **Alvaro (David) Gonzalo Alvarez**

DECLARATION UNDER PENALTY OF PERJURY

I hereby certify that I read the foregoing deposition, and that the transcription together with any corrections noted on the Deposition Errata Sheet hereof, with the understanding that I offer these changes as if still under oath, is a true and accurate record of my testimony given at the time and place noted.

Signed on the 30 day of April, 2013.


David Gonzalo Alvarez